



December 1, 1982
NUMBER 5143.11

Department of Defense Directive

ASD(C)

SUBJECT: Assistant to the Secretary of Defense (Intelligence Oversight)

- References:**
- (a) DoD Directive 5100.82, "Inspector General for Intelligence," December 23, 1980 (hereby canceled)
 - (b) Title 10, United States Code, Section 133(d)
 - (c) Executive Order 12333, "United States Intelligence Activities," December 4, 1981
 - (d) DoD Directive 5240.1, "Activities of DoD Intelligence Components that Affect U.S. Persons," December 3, 1982
 - (e) DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 7, 1982
authorized by reference (d), above
 - (f) Executive Order 12334, "President's Intelligence Oversight Board," December 4, 1981
 - (g) DoD Directive 5240.2, "Department of Defense Counterintelligence," December 18, 1979
 - (h) Public Law 95-452, Inspector General Act of 1978, as amended

A. PURPOSE

This Directive replaces reference (a), which established the position of Inspector General for Intelligence in the Office of the Secretary of Defense under the authority of reference (b). That official hereafter shall carry the title of Assistant to the Secretary of Defense (Intelligence Oversight) (ATSD(IO)), with responsibilities, functions, and authorities as provided herein.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DoD Components").

C. DEFINITIONS

Terms applicable to this Directive are defined in references (c), (d), and (e).

D. RESPONSIBILITIES AND FUNCTIONS

Under the direction, authority, and control of the Secretary of Defense, the ATSD(IO) shall be responsible for the independent oversight of all intelligence activities in the Department of Defense. In this capacity, the ATSD(IO) shall ensure that all intelligence activities are conducted in compliance with (1) federal law and other laws as appropriate; (2) Executive Orders and Presidential directives; and (3) DoD policy directives. The term "propriety" hereinafter relates to the standards for intelligence activities promulgated in (2) and (3), above. In the execution of this responsibility, the ATSD(IO) shall perform the following functions:

1. Review, in consultation with the General Counsel, DoD, all allegations that raise questions of legality or propriety of intelligence activities in the Department of Defense.

2. Conduct investigations of intelligence activities that raise questions of legality or propriety.

3. Conduct vigorous and independent inspections of DoD Components that engage in intelligence activities for the purpose of verifying that personnel are familiar and in compliance with E.O. 12333 (reference (c)) and its DoD implementing documents.

4. Monitor investigations and inspections by DoD Components related to intelligence activities, evaluate the findings, and, if appropriate, submit recommendations for corrective action to the Deputy Secretary of Defense.

5. In consultation with the General Counsel, DoD, report at least quarterly to the Deputy Secretary of Defense and the President's Intelligence Oversight Board, established under E.O. 12334 (reference (f)):

a. Any significant oversight activities undertaken; and

b. Any DoD intelligence activities of questionable legality or propriety, the investigative action thereon, an evaluation of completed investigations, and the action taken on completed investigations.

6. Participate as a member of the Defense Counterintelligence Board (DoD Directive S240.2, reference (g)).

7. Coordinate, as appropriate, with the DoD Inspector General (DoD IG) on matters relating to the DoD IG's area of responsibility in accordance with P.L. 95-452 (reference (h)).

8. Perform such other functions as the Secretary of Defense may assign.

E. AUTHORITIES

In the exercise and performance of assigned responsibilities and functions described in section D., above, the ATSD(IO), or designee, is hereby delegated authority to:

1. Deal directly with the head of the element inspected or investigated, conduct interviews, take depositions, and examine records, as required.

2. Have complete and unrestricted access to any and all available intelligence-related information, regardless of classification or compartmentation, from all DoD Components and personnel, as required. This includes specifically the authority (a) to require an Inspector General or other cognizant investigative official of a DoD Component to report allegations of improprieties or illegalities of intelligence activities by or within a DoD Component and (b) to obtain information on the status, proceedings, and findings or to obtain copies of reports of investigations or inspections of such allegations.

3. Obtain such temporary assistance as may be required from other DoD Components, including personnel, facilities, and other services, for the conduct of inspections or investigations. Requests for personnel augmentation shall be made in accordance with established procedures.

4. Communicate directly with the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Directors of the Defense Agencies, the Inspectors General, or other investigative officials having cognizance over DoD Components, and the Commanders of the Unified and Specified Commands, after notifying the Joint Chiefs of Staff.

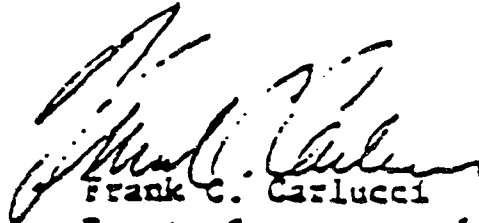
5. Communicate directly with the President's Intelligence Oversight Board, the Director of Central Intelligence, and all other government agencies participating in interdepartmental programs for which the ATSD(IO) has been assigned primary cognizance.

F. ADMINISTRATION

The ATSD(IO) shall report directly to the Deputy Secretary of Defense.

G. EFFECTIVE DATE

This Directive is effective immediately.


Frank C. Carlucci
Deputy Secretary of Defense